

No. 11(112)-3Lab-78/10004.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Uttar Bharat Neel Udyog, Bahadurgarh :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD

Reference No. 137 of 1977

between

THE WORKMEN AND THE MANAGEMENT OF M/S. UTTAR BHARAT
NEEL UDYOG, BAHADURGARH

Present :—

Shri Sagar Ram Gupta and Rajinder Singh Dahyia for the workmen.

Shri Kanwal Singh for the management.

AWARD

By order No. ID/RK/468-A/29387, dated 9th August, 1977, the Governor of Haryana, referred the following dispute between the management of M/s. Uttar Bharat Neel Udyog, Bahadurgarh and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d), sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

- (1) Whether the workmen should be supplied with production cards ? If so, with what details ?
- (2) Whether the workmen are entitled to the grant of house-rent allowance ? If so, with what details and from which date ?
- (3) Whether the workmen should be granted annual increments ? If so, with what details ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. From the pleadings of the parties, the following issues were framed on 15th November, 1977 :—

- (1) Whether the workmen should be supplied with production cards ? If so, with what details ?
- (2) Whether the workmen are entitled to the grant of house-rent allowance ? If so, with what details and from which date ?
- (3) Whether the workmen should be granted annual increments ? If so, with what details ?

The case was fixed for the evidence of the workmen. At this stage, negotiations for settlement started between the parties. After 3/4 adjournments for settlement, no settlement took place.

Then the case was fixed for the evidence of the workmen. The workmen examined Shri Rajinder Singh Dahyia, General Secretary of the Labour Union as W. W. 1 and Shri Sagar Ram Gupta the authorised representative for the workmen as W. W. 2. The workmen closed their case,

The case was fixed for the evidence of the management. It was at this stage that a settlement was arrived at between the parties. Both the parties admitted the settlement which is Ex. M. W. 1. As far as dispute No. 1 regarding the supply of production cards is concerned, the workmen did not press this demand, but the management agreed to maintain daily production register which the workmen may go through. As far as dispute No. 2 regarding grant of house-rent allowance is concerned, the workmen withdrew this demand in consideration of the agreement by the management that the management shall pay *ex gratia* payment to the workmen on Diwali festival equivalent to 15 days' wages for the years 1977-78 (1st April, 1977 to 31st March, 1978), to those workmen who have put in one years' service in that year and the rest will be paid on *pro rata* basis. The settlement further provided that the workmen should have put in less than 30 days service in that year will not be entitled to *ex gratia* payment. There is further proviso that only those workmen shall be eligible to receive *ex gratia* payment who were on the roll of the establishment on the signing of the settlement. The settlement was signed on 4th September, 1978.

As regards dispute No. 3 is concerned, it was agreed that the following grades and scales will be enforced with immediate effect in respect of all categories of workmen who have completed one year's continuous service. The rest of the workmen will get this benefit if and when they complete one year's service:—

- (i) Un-skilled. 165-4-185/5-215/7-250.
- (ii) Semi-skilled. 185-5-218/6-260/8-300.
- (iii) Skilled. 225-7-270/8-320/10-350.

In view of the settlement, I give my award as follows :—

(1) That the workmen are not entitled to be supplied with production cards but the management shall maintain daily production register which the workmen may go through.

(2) That the workmen are not entitled to the grant of house-rent but the management shall pay *ex gratia* 15 days wage to their workmen who have put in one year service in the year 1977-78 (1st April, 1977 to 31st March, 1978) on Diwali festival. The rest of the workmen will be paid on *pro rata* basis. This benefit shall go to those workmen only who worked on the rolls of the establishment on 4th September, 1978, but shall not go to them and others who have put not less than 30 days service in that year.

(3) That the workmen should have completed one year service should be granted annual increments as given below but those workmen should have not completed one year continuous service should be granted annual increments given below if and when they complete one year service:—

- (i) Un-skilled. Rs. 165-4-185/5-215/7-250.
- (ii) Semi-skilled. Rs. 185-5-213/6-260/8-300.
- (iii) Skilled. Rs. 225-7-270/8-320/10-350.

Dated, the 6th November, 1978.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 1105, dated the 7th November, 1978.

Forwarded, (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3Lab-78/10005.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Auto Pins (India) Regd. Plant II, Faridabad:—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD.

Reference No. 240 of 1978.

between

SHRI MAHESH CHAND, WORKMAN AND THE MANAGEMENT OF M/S AUTO PINS (INDIA) REGD. PLANT II, FARIDABAD.

Present:—

Shri Subash Birla for the workman.

Shri R. C. Sharma for the management.

AWARD

By order No. ID/FD/64-78/33541, dated 18th. July, 1978, the Governor of Haryana, referred the following dispute between the management of M/s Auto Pins (India) Regd. Plant 11, Faridabad and its workman Shri Mahesh Chand, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d), sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Mahesh Chand was justified and in order?
If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared through their representative. The representative for the management filed a photostat copy of a voucher by which the workman have received a sum of Rs 50 only as *ex gratia* in full and final settlement for termination of his services. The representative for the workman admitted the settlement. The voucher is Exhibit M.W.1.

I, therefore, answer the reference and give my award that the termination of services of the workman concerned was justified and in order. He is not entitled to any relief.

NATHU RAM SHARMA,

Dated the 6th November, 1978.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1106, dated the 7th November, 1978.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11 (112) 3 Lab-78/10183.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. La-Fashion Garments Plot No. 55, Sector 6, Faridabad :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD

Reference No 243 of 1977

between

SHRI DAL CHAND, WORKMAN AND THE MANAGEMENT OF M/S LA-FASHION
GARMENTS, PLOT NO. 55, SECTOR-6, FARIDABAD

Present :—

Nemo for the workman.

Shri R. C. Sharma, for the management.

AWARD

By order No. ID/FD/488-77/52398, dated 26th December, 1977, the Governor of Haryana, referred the following dispute between the management of M/s. La-Fashion Garments Plot No. 55, Sector 6, Faridabad and its workman Shri Dal Chand, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d), sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Dal Chand was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. From the pleadings of the parties, the following issues were framed on 17th April, 1978 :—

(1) Whether the workman resigned his job of his own?

- (2) Whether the workman was temporary hand and the management had a right to terminate his services at their sweet will?
- (3) Whether the termination of services of the workman was justified and in order on the ground alleged in para No. 3 of the preliminary objection in the written statement or otherwise?

The case was fixed for the evidence of the management. The management examined Shri R. C. Sharma, their authorised representative as M. W. 1. who stated that the factory of the management has been closed and he knew it because he was their standing counsel. The factory has been completely closed in June, 1978. The management closed their case.

Then the case was fixed for the evidence of the workman. Thereafter neither the workman appeared nor the representative of the workman appeared. The workman led no evidence at all.

While answering the reference, I give my award that the termination of services of the workman concerned was justified and in order. He is not entitled to any relief.

Dated, the 6th November, 1978.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1122, dated the 8th November, 1978

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)3 Lab-78/10186.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of dispute between the workman and the management of M/s La-Fashion Garments, Plot No. 55, Sector-6, Faridabad :—

BEFORE SHRI NATHU RAMSHARMA, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD

Reference No. 246 of 1977

between

SHRI RAM KISHAN WORKMAN AND THE MANAGEMENT OF M/S LA-FASHION
GARMENTS, PLOT NO. 55, SECTOR-6, FARIDABAD

Present :—

Nemo for the workman.

Shri R.C. Sharma for the management.

AWARD

By order No. ID/FD/485-77/52378, dated 26th December, 1977, the Governor, of Haryana, referred the following dispute between the management of M/s La-Fashion Garments, Plot No. 55, Sector-6, Faridabad and its workman Shri Ram Kishan to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d), sub-section (1) of section 10 of the Industrial Dispute Act, 1947 :—

Whether the termination of services of Shri Ram Kishan was justified and in order ?
If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. From the pleadings of the parties, the following issues were framed on 17th April, 1978 :—

- (1) Whether the workman resigned his job of his own ?

- (2) Whether the workman was temporary hand and the management had a right to terminate his services at their sweet will?
- (3) Whether the termination of services of the workman was justified and in order on the ground alleged in para No. 3 of the preliminary objection in the written statement or otherwise?

The case was fixed for the evidence of the management. The management examined Shri R. C. Sharma, their authorised representative as M. W. 1 who stated that the factory of the management has been closed and he knew it because he was their standing counsel. The factory has been completely closed in June, 1978. The management closed their case.

Then the case was fixed for the evidence of the workman. Thereafter neither the workman appeared nor the representative of the workman appeared. The workman led no evidence at all.

While answering the reference, I give my award that the termination of services of the workman concerned was justified and in order. He is not entitled to any relief.

Dated, the 6th November, 1978.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1124, dated the 8th November, 1978.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112) 3Lab-78/10187.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s La-Fashion Garments, Plot No. 55, Sector 6, Faridabad:—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 247 of 1977

between

SHRI RAJ PAL WORKMAN AND THE MANAGEMENT OF M/S LA-FASHION GARMENTS, PLOT NO. 55, SECTOR-6, FARIDABAD

Present;—

Nemo for the workman.

Shri R. C. Sharma for the management.

AWARD

By order No. 1D/FD/486-77/52372, dated 26th December, 1977, the Governor of Haryana, referred the following disputes between the management of M/s La-Fashion Garments, Plot No. 55, Sector-6, Faridabad and its workman Shri Raj Pal, to this tribunal, for adjudication, in exercise of the powers conferred by clause (d) sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Raj Pal was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. From the pleadings of the parties, the following issues were framed on 17th April, 1978.

- (1) Whether the workman resigned his job of his own?
- (2) Whether the workman was temporary hand and the management had a right to terminate his services at their sweet will?
- (3) Whether the termination of services of the workman was justified and in order on the ground alleged in para No. 3 of the preliminary objection in the written statement or otherwise?

The case was fixed for the evidence of the management. The management examined Shri R. C. Sharma, their authorised representative as M.W. 1 who stated that the factory of the management has been closed and he knew it because he was their standing counsel. The factory has been completely closed in June, 1978. The management closed their case.

Then the case was fixed for the evidence of the workman. Thereafter neither the workman appeared nor the representative of the workman appeared. The workman led no evidence at all.

While answering the reference, I give my award that the termination of services of the workman concerned was justified and in order. He is not entitled to any relief.

Dated the 5th November, 1978.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1125, dated the 8th November, 1978.

Forwarded (for copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana
Faridabad.

The 23rd November, 1978

No. 11 (112) 3 Lab-78/10322.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Faridabad in respect of the dispute between the workman and the management of M/s Masheswari Fastners (P) Ltd., Faridabad :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
HARYANA FARIDABAD

Reference No. 215 of 1977

between

SHRI SATRUGHAN DWIVEDI, WORKMAN AND THE MANAGEMENT OF M/S
MASHESWARI FASTNERS (P) LTD., FARIDABAD

Present : —

Shri Subash Birla for the workman.

Shri S. L. Gupta for the management.

AWARD

By order No. ID/FD/441-77/49078, dated 22nd November, 1978, the Governor of Haryana, referred the following dispute between the management of M/s Masheswari Fastners (P) Ltd., Faridabad and its workman Shri Satrughan Dwivedi, to this Tribunal, for adjudication, in

exercise of the powers conferred by clause (d) sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Satrugan Dwivedi was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. From the pleadings of the parties, the following issues were framed on 1st March, 1978:—

- (1) Whether the termination of services of the workman concerned was justified and in order? If not, to what relief is he entitled?
- (2) Whether the workman concerned is gainfully employed?
- (3) Whether the domestic enquiry has been held in accordance with the principles of natural justice?

The case was fixed for the evidence of the management. The management examined Shri S. L. Gupta, enquiry officer as M. W. 1 who proved the charge-sheet, enquiry proceeding, his appointment and his finding and also other documents that were given to him during the enquiry proceedings. He stated that the workman was allowed to cross-examine the witness of the management, the workman was represented by a person of his choice. The workman led his defence also. He stated that the enquiry proceedings were correct and have been signed by the workman and his finding is based on the evidence. In cross-examination he stated that incident amounting to misconduct of the workman had taken place during duty hours but outside the factory premises at a distance of more than 50 yards and the factory is governed by the standing orders and the management closed the case.

Then the case was fixed for the evidence of the workman. The workman examined himself as W. W. 1 and stated that domestic enquiry was held by the enquiry officer but he had not committed any act of misconduct or subversive to discipline. He admitted the signatures on Ex. M-1. He denied that the management had turned his brother out of the factory on his unsatisfactory work. He also denied that he had got his brother employed in the factory. He denied that he had assaulted the complainant. He stated that Shri Chandeshwar Dwivedi was unknown to him and denied that he was his brother. The workman closed his case.

Arguments were heard. I now give my findings issuewise.

Issue No. 3.—I have gone through the enquiry proceedings also. M. W. 2 is the charge-sheet. The charge is that the workman manhandled the Production Manager after the close of the factory whereas M. W. 1 stated that incident took place during duty hours and the workman heard abuses also. Exhibit M-3 is the charge-sheet in Hindi, having the same subject-matter. Exhibit M-4 is the reply to the charge-sheet Exhibit M-1 is appointment letter of Shri S. L. Gupta, Exhibit M-5 is a letter adjourning the date of enquiry. Exhibit M-6 is relating to granting time to the workman. The enquiry officer has examined Shri M. L. Bareja as M. W. 1 the Production Manager who stated before the enquiry officer that he was assaulted by the workman. He has been cross-examined. The workman has also represented in the enquiry proceedings by Shri Sharmajit Tiwari. The enquiry officer also examined Shri Arur Singh as M. W. 2 who also corroborated the charges against the workman. He has also been cross-examined by the workman. The enquiry officer also recorded the statement of the workman who denied the charges. Then the enquiry officer gave his finding. The finding is supported on evidence. Principles of natural justice have not suffered at the enquiry. The enquiry is not vitiated and the finding is not perverse. I, therefore, decide issue No. 3 in favour of the management.

Issue No. 2.—There is no evidence that the workman is gainfully employed anywhere. Hence I decide this issue against the management.

Issue No. 1.—As I have decided issue No. 3 in favour of the management. The management has also placed on file their standing orders, according to which the charge against the workman is a major misconduct and therefore the management can terminate the services of the workman. The workman has insulted the Production Manager and has man-handled him which charge justify the termination of services of the workman. I, therefore, decide this issue in favour of the management.

While answering the reference, I give my award that the termination of services of the workman concerned was justified and in order. He is not entitled to any relief.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 10th November, 1978.

No. 1127, dated 15th November, 1978.

Forwarded (for copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.